

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ORDER

This action is before the Court on a joint appeal (Doc. 13) of the parties from an order entered by the Magistrate Judge on December 18, 2006 (Doc. 12) denying their motion to modify the Rule 16(b) Scheduling Order entered on August 9, 2006 (Doc. 10) to accommodate an extension by sixty (60) days of the discovery period previously allowed in this case. Upon consideration of the arguments set forth by the parties, their Report of Rule 26(f) Planning Meeting (Doc. 9) which was filed following a thirty (30) day extension of time obtained at their request, and all other pertinent portions of the record, the Court concludes that the Magistrate Judge properly denied the parties request for a further continuance of sixty days. In view of the fast approaching holidays, however, the Court will grant a portion of the parties request, namely an extension of twenty (20) days within which to complete discovery, which in fact corresponds to the parties' initial request to be allowed until March 1, 2007 to complete discovery. *See,* Report of Rule 26(f) Planning Meeting (Doc. 9) at ¶ 4(B).

Accordingly, it is **ORDERED** that the Order entered by the Magistrate Judge on December 18, 2006 (Doc. 12) be and is hereby **MODIFIED** to the extent that the parties joint motion to modify the scheduling order (Doc. 11) is hereby **GRANTED** to allow the parties until **no later than March 1, 2007** to complete their discovery, to reset the deadline for dispositive motions to **no later than April 1, 2007**, and to reset the deadline for the submission of the parties' Position Regarding Settlement to **no later than March 1, 2007**. The Final Pretrial Conference shall remain set for 9:00 a.m. on May 9, 2007, and jury selection shall remain May 30, 2007.

DONE this 21st day of December, 2006.

s/ W. B. Hand
SENIOR DISTRICT JUDGE